THE

WEEKLY ENTERTAINER.

For MONDAY, March 21, 1808.

Memoirs of that eccentric Character, the late Lieutenant-Colonel John Mordaunt, of the Hon. East India Company's Madras Establishment.

THIS very singular and well known personage has been so much admired, so much reprobated, so much upheld, and so much decried, that some account of him may probably be acceptable to the public.

He was a natural son of the late earl of Peterborough, and, together with an elder brother by the same mother, was, at an early age, put out to nurse. Harry, the eldest, was a pining, spiritless starvling; while John, the subject of this memoir, was active, lively, and of an uncommonly fine form. He was more of the Apollo Belvidere, though more rigid in muscle, than any other person I ever saw.

Harry took a sedentary turn, and being tender in constitution, could not partake of those gymsnastic exercises, which John delighted in, and in which he, on all occasions, took the lead. In fact, Harry was more calculated for scholastic researches, in which he made the ordinary progress of a schoolboy, and would, probably, have shone under *Alma Mater*, had not his father, with the view of providing for him handsomely, and at a distance from the family in general, shipped him off as a cadet to Bengal.

John was too wild to learn much, his whole time was devoted to truancy; and, as he often said, one half of his days were spent in being flogged for the other half." Hence he was in no danger of a professorship, if we except those arts in which the celebrated Breslaw, Jones, &c. took their degrees!

In such John was completely at home, and they were certainly of some use to him, as will be hereafter seen.

When John was taken from school, he was about as learned as when he first was sent there; however, when this was ascertained, and a quarrel was commenced on the occasion, he very handsomely stepped forth to exculpate his master, whose attention he declared to be unparalleled, and, slipping off his clothes, exhibited the earnestness of the good man's endeavours; humorously observing, that "as nothing could be got into his brains, his master had done his best to impress his instructions on the opposite seat of learning."

At the time that John was to pass muster before the India directors, he was out of the way, and it was nearly too late when he was found at marbles in Dean's-yard. No time was lost in coaching him up to Leadenhall-street, where, being bent more on his pastime than on the grave questions put by his examiners, he was near being rejected as an idiot; when one of the quorum, who knew the youth's trim well, and who probably wished to see John appointed, asked him if he understood cribbage? John's soul was instantly roused, his eyes glistened, and regardless of every matter relative to his appointment, he pulled out a pack of cards, so greasy as scarcely to be distinguished, and offered "to play the gentleman for any sum he chose!"

The youth now felt himself at home, and speedily convinced them that, however ignorant he might be of the classics, he was a match for any of them at cards! He was passed, and dispatched to Portsmouth, where he was to embark in an India ship ready to sail with the first fair wind; but as that was not to be had for some days, the person who had charge of him put him on board, and returned to town.

John's gaiety of disposition soon made him the fiddle of the crew; all on board loved him. He was elegant in his make, graceful in his movements, (though he never could be made to walk a minuet by his dancing-master,) of a very animated countenance, strongly marked with good nature, spirit, and dignity; his features were regular and handsome, his eyes keen and commanding, and, on the whole, we may say he was such as is rarely seen!

Notwithstanding the rigid restrictions laid down by the person who had shipped him, such were the qualities of our young adventurer, that none could resist his wishes; the kindness he experienced, added to the novelty of the scene, made him completely happy, and attached him more to his new companions, than to his native soil. He could not bear to mope about the ship, whilst waiting for a wind, and frequently lent a pull in the boats, which occasionally were sent for provisions, &c.

One

One day, however, John strayed into the town, and got into company with some girls, who soon eased him, not only of his money, but of his buckles, handkerchief, and every thing that could possibly be dispensed with. At this unlucky moment the wind being fair, the signal was made for sailing, and the boat's crew were compelled, after a short but active search, to put off, with heavy hearts, thinking they had seen their last of their favourite.

John came down to the beach too late! The boat was just arriving at the ship, which was lying to for her, and sailed immediately from the Mother-bank. What was to be done? He had no money, and not a soul would put off on such a trip without being previously well paid! The matter was to all appearance come to the worst, when seeing two watermen at cards in the stern sheets of a boat, he was led by an irresistible impulse to see how matters went on!

The owner of the boat was losing his money at all-fours, when John requested that he might play a hand or two for him; offering to abide himself by any loss during his own play. The man agreed, and John not only won back the losings, but eased his opponent of all his money. The waterman was asked to take him on board, but no promise of money could tempt him; "it was too far," and, "mayhap might never get a penny by it," "had been served so before," and all the host of objections, common among interested persons, were raised! At length the waterman, taking hold of John's button, drew him aside from the many who were there laughing at his misfortune, and said he had observed, that in dealing there seemed to be something uncommon; besides that, "he had turned up *Jack* plaguy often," "now, young'ne, I've a notion that did'nt come by nature, and if so be, you'll shew me how to do it, I will take you aboard at all risks."

The bargain was struck; the man being instructed how to turn up *Jack*, with the aid of three of his friends, sailed and rowed with such effect as to get within notice of the vessel before dark. The sails were backed, and John facetiously observed, as he quitted the boat, "Now, my honest friend, you have turned up *Jack* in earnest," meaning that the waterman had fairly fulfilled his promise, by putting him (John Mordaunt) on board.

On his arrival at Madras, John was received with open arms by all his countrymen, according to the practice of those days, when unbounded hospitality was prevalent: his letters of introduction, which had been prudently given in charge to the captain of the ship, were delivered; and there appears no doubt but he might have speedily obtained some important situation, but General Sir John Clavering, who was then commander in chief in India, and who was, accordingly, second in

council at Calcutta, having promised to provide for him, John went on to Bengal, where he was appointed an honorary aid-de-camp to that officer, still retaining his rank on the Madras establishment, where he was afterwards subjected to much ill-will and obloquy!

The general had, no doubt, been pre-informed of the gross ignorance under which our hero laboured, and was determined to put his abilities to an early test Accordingly, after a few days entrance on his appointment, John was desired to write a letter, conformably to leading points furnished by the general, to one of the colonels, commanding at an upper station. John very readily undertook the office, and in a short time returned to the general's apartment with the letter, written according to the *data*.

Sir John did all he could to unravel the various pot-hook combinations, and to arrange them into any thing like penmanship, but in vain! The orthography was not a whit better! The general was amazed, but being willing to know how John might have expressed what was entrusted to him to communicate, as the only means of obtaining that knowledge, desired him to read what he had written. In this reasonable expectation, the general was, however, completely foiled; his *protegé* very deliberately saying, "that was no part of his duty: he had obeyed the general's orders by writing the letter; it was the business of the colonel to whom it was addressed to read it!"

(To be continued.)

THE LETTER-BOX.

No. 28.

To the Editor.

"Content! that other name for happiness."

Black.

PEOPLE, Mr. Editor, may talk as much they please of *contentment*, but who will tell me where to *find* it? The favourites of the muse say, "amongst pretty innocent shepherds and shepherdesses, who live in obscurity, and tell their lovelorn tales by the side of some murmuring fountain." Novelists, on the contrary, (or, at least, the generality of them) ascribe this *summum bonum* of existence to the sons and daughters of luxury and fashion! Now which, think you, is correct? In *my* opinion—*neither!* With all submission to the discernment of such august personages, I am daring enough to assert, that contentment is neither the peculiar advantage of the lowly swain,

swain, or of the gartered peer, but is the exclusive privilege of the truly-awakened and humble Christian.

"Bless us," exclaim my readers, "and are we not *all* Christians?" Too many, I fear, only *nominally* so. It is not barely sufficient to be nationally entitled to that honourable appellation. We might just as well be Jews, unless the whole tenor of our conduct is consistent with the character we assume. But this is rather a deviation from my intended subject. Excuse me.

Contentment presupposes a state of happiness; but is there any worldly happiness so compleat and permanent, as to gratify the full extent of our wishes? Certainly not! Restless and insatiable by nature, man knows no bounds to his desires. His passions urge him on, like a headlong torrent, 'till he is lost in the ocean of eternity. Where then, is contentment?

Rochefoucalt observes, and very correctly too, that "Happiness lies more in imagination than in possession."—Yes, 'tis a painted bubble that allures us to pursuit, but bursts as we grasp it. This may seem a harsh doctrine to the young and inexperienced, but they will sooner or later be convinced of its reality. Thousands, indeed, when advanced to years of maturity, are mad enough to dispute the propriety of this observation. And why?—the reason is evident: the bulk of mankind have no prospects of happiness beyond the grave; or such prospects (if they have any) are secondary to earthly ones, and must be subservient to the sinful gratification of the passions; consequently, any doctrine that tends to check the progress of their folly, and to cast a shade over the gay illusions of a heated imagination—is considered by them as an erroneous idea, only entertained by gloomy fanatics, and subversive of the kind intentions of an indulgent providence. The true Christian looks on this life as merely a state of probation; he therefore carefully avoids settling his affections on a nugatory possession of so precarious a tenure. This conviction gives a sublimity to his thoughts, and emancipates his soul from the coercive bonds of self-delusion.

The celebrated Locke, about two months before his death, wrote a letter to a friend, with this superscription: "To be delivered to him after my death." In it are these remarkable words: "This life is a scene of vanity, that soon passes away, and affords us no solid *satisfaction*, but in the consciousness of doing well, and in the hopes of another life. This is what I can say from experience, and what you will find to be true when you come to make up the account." And what a picture does Young give of the happiness of the worldly-minded man!

"He calls his wish, it comes; he sends it back,
And says he call'd another; that arrives,

Meets

Meets the same welcome; yet he still calls on:
'Till *one* calls *him*, who varies not his call,
But holds him fast, in ch ins of darkness bound,
'Till nature dies, and judgment sets him free;
A freedom far less welcome than his chain."

The inference I would draw from what I have advanced is *this:* that there can be no contentment without real happines; and that no happiness can be real, unless permanent. As, therefore, all happiness derived from a worldly origin is uncertain and transitory, it is impossible for the mind of man to be contented with it. But the sincere Christian, who anticipates far brighter scenes in the regions of eternity, submits with patience and humility to the will of God. In whatever sphere of life he moves, he consoles himself with the reflection, that he is on a journey, on a *short* journey, to the realms of immortal glory; and this enables him to say, with St. Paul, " I have learned in whatsoever state I am, therewith to be *content.*"

Your's, &c.

X.

MR. EDITOR,

I send you, for the Letter-Box, another original anecdote.—The celebrated Dr. W—ll passing through St. Giles's, in Oxford, saw a quack-doctor haranguing the crowd, and dispensing his physic to a great number of rustics; at which the doctor, being somewhat provoked, said (loud enough to be heard by the empiric), " None but fools would be cheated by such an impostor." To which the man of nostrums retorted, " Gentlemen! *you* are the *wisest* men who come to *me! the weakest* go to *wall.*"

V. U.

MR. HENPECK, *to the* AUTHOR *of the* LETTERS *on* CRUELTY.

MOST WORSHIPFUL SIR,

If you possess a single spark of that humanity you so zealously espouse, you will compassionate my unfortunate case. My wife was always of your way of thinking; but since reading your late letters, she positively declares that no insect in *her* house shall be even *disturbed,* much less *killed.*—The consequence is, we are almost buried in cobwebs; both mouse-traps and louse-traps are destroyed; our beds are swarming with certain skipping gentry, so that I am completely flayd *(flead)* alive. Whilst my poor children's heads may be justly compared to the sea, " In which are creeping things innumerable,

rable, both small and great." Surely, Sir, you would not countenance such dirty proceedings; so do, in pity, write my wife on the subject. To tell you the truth, I'm *afraid* to speak myself; for, notwithstanding she is such a tender, compassionate soul, she does not hesitate to *poker* and *ladle* my poor head, as often as I oppose her. I could say much more, but I write in great haste.

X. H. HENPECK.

THE AUTHOR'S ANSWER.

Tell your wife, Sir, she's all in the wrong. The demolition of such vermin is a necessary act; and the poet says,

"A necessary act incurs no blame."

I therefore advise you to commence immediate hostilities against the *blanket lobsters;* nor spare the inhabitants of the *poles.*

You tell me you write *in great haste!* Now really, Sir, I have not the honour of your acquaintance; but Shenstone says, that such a silly excuse for a short letter becomes no one beside "a cobler, with ten or a dozen children dependant on a tatching end."

Your most obedient,

X.

Account of a Voyage to the Western Coast of Africa; performed by his Majesty's Sloop Favourite, in the Year 1805.

(Continued from Page 214.)

ON the 3d of January, 1806, we unfortunately took the powder out of our prize: and were informed by one of our people, that when the captain was killed an officer was seen putting his hands in his pocket, and pulling out an handful of money. This led to farther enquiries; and we found they had sold a prize for 500 doubloons, which, in searching, we found among the people.

January 6th. About six o'clock we cast off our prize, and ordered her to proceed on her voyage. Three vessels now appeared N. E. of us: we went down to overhaul them, they standing towards us about half past eight. We found they were French. We then immediately wore; they tacked, and commenced firing. Their force consisted of one 74, two frigates, and a brig. The 74 came up, and gave us three broadsides, as well as the frigates, one of which we found afterwards

had expended 130 shot. We cut away our anchors, but this made the ship worse. I was ordered below. At this moment we received a large shot from the commodore just on the quarter, which was near sinking her; and at half past eleven, having no possibility of escaping by resisting longer, we struck. The scene we now witnessed it is not in the power of my pen to describe. The purser threw open the slop-room, and every man helped himself to what clothes he chose. I put on two shirts, two pair of trowsers, and my best clothes. The captain declared they would strip us; and my boy put into a bag my shirts, and a case of instruments, which, by good fortune, were those presented me by Sir Sidney Smith, and which I used at the siege of Acre, when employed on shore with him; he also put up my cot, in which he wrapt a quadrant. When they boarded us, all was in confusion. Our chests, however, were ordered on deck; and the officers declared they should be sacred, and that no plunder should be allowed. As to myself, I was peremptorily ordered into the boat; but managed to take my cot and bag with me, though I was not permitted to get my chest up from below. When I arrived on board the commodore's ship, he ordered me back again to take care of the sick and wounded, in which time my chest was stove to pieces, and all the instruments and clothes stolen, even my bed-curtains. What they could not take away, they tore to pieces, and threw overboard: in a word, the plunder was general. Mr. Odlum, whom I have before mentioned, and his wife, were also pillaged while present; the women they left with the wounded and sick. A French officer, a lieutenant de Vaisseau, now joined us, who paid some little attention to our wants: he was, indeed, a humane man. During the course of this day no provision was thought of; and from the women nothing was heard but sighs and moans. The French captain desired us to sleep in the cabin, and a sentry was placed to see the men did not plunder us. The sentries were, however, as bad as the rest; so we had no chance of keeping what little we had remaining. They were not content with what they could get from us, but broke open also the women's chests, and stole chemises and every other article of their paraphernalia. At night I chanced to sleep near our captain's wine-bin, and could not refrain from so good an opportunity of procuring refreshment. We broached and drank two bottles; being very careful, however, that the sentry should not see us. It was during this time that the sentries opened the lady's chests, and stole her clothes. I had a boy in my list extremely ill, named Corbet, whom during the chace we had laid below. He was, after our being boarded, continually run over by the Frenchmen; for they having sworn to stab any one who should oppose them, none dared to put themselves in their way. In consequence of this treatment, the blood gushed

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out of his nose and eyes: the poor lad lingered a few days and died. As soon as he had breathed his last, they bundled him, hammock, bedding, and all, into the sea, like a dog, without funeral service, or any other ceremony.

The next day I arranged my sick, and the wounded Frenchmen of the privateer. I was ordered to place the French and Spaniards aft, the English forward, but never could get any wine for them, though the officers had taken possession of all Captain Davis's and our's, of which there was a very large stock. One of our men, named Francisco, a Portuguese, immediately entered the French service, and became the commissary's steward, and through his means our people had as much to eat and to drink as they pleased; nor did they ever abuse the favour. This indulgence was far from the case with our poor fellows in the other ships, who were allowed three half pints of water a day, a very short quantity considering the intense heat of the climate; they had also a large spoonful of brandy in the morning, one at noon, and a third at night, and numbers of these unfortunate men sold the small remains of their clothes to procure provisions. As to myself, I cannot complain of my treatment. The only thing which distressed me was the sighs and moans of the lady, who, though treated with the greatest respect by every officer on board, never ceased, and her complaints at last became really troublesome. While we were with them we continued running to the southward, and they talked of going to Sierra Leone; but all the English on board every ship gave such an account of its strength, that they determined to relinquish their project. There was no order, or any apparent idea of religion among them. When they heard of Lord Nelson's victory, the paper was sent to every ship; it stated that there was only four sail of French ships which could be of any service to the English, the rest were Spaniards. When the deluded Frenchmen heard this, they pulled off their caps and huzza'd "*Vive l'Empereur*," 'till the decks echoed with their shouts. They boasted highly of their continental victories, but allowed the English to be their masters on the ocean.

Nothing particular happened 'till the 22d of January. When we made Cape Mount, the commodore sent two ships round in such a manner that it was impossible any thing should escape. There were four vessels in the bay, three American and an unfortunate Liverpool slave brig, which fired a gun; and on the French commodore hauling down English and hoisting his own colours, she struck. Her name was the Trio. The female slaves on board her they sold to the Americans, and the male ones they divided among their own ships. The first lieutenant went on shore for the Trio's boat, which was at first refused him by King Peter Careful, who thus reasoned with him: "Suppose I no give it you, how you get it? you no have it." But when he

found he was English, the prince sent orders to have it given up to him. It was hid among the bushes up a small arm of the river, over which the mandingo trees made a complete cover; and as he could have brought 4000 men, with fire-arms, into the bushes, could they have found it, it would have been impossible to succeed in carrying it away. The first mate of the Trio went with our officer, and asked Jack, the prime minister, if he had nothing to *yam*. "Yes," said he; "look in that box:" in which appeared, as they supposed, a kid, of which they ate very hearty, and washed it down with trade brandy. After which Jack asked, "What you eat?" They guessed kid. He said, "No; it be dog. Me see you coming. Me no kid, no fowls, no nothing but poor dog. You ask me to *yam*. Me kill dog and roast dog. You no like dog; you sick. You *yam* more than me." At this they could not help laughing; and they declared it was extremely good. They stopped all night, but could not sleep for the filth; and Lieutenant Parsons, in the morning, came down to the beach. He was very soon joined by the king, who, during the night, was very uneasy, changed his dress four or five times, and appeared very jealous. In the morning they returned. Before we took the Trio, we were extremely fearful the commodore would put his threat in execution of landing our poor unfortunate men on the African shore, and take the officers with him: had this been the case, very few would have lived to return to their native country. How pleasing then must have been the sound, "Get all your things on deck to go on board the flag of truce;" for we found they had converted the Trio into a cartel. Every thing was on deck in an instant: and a smile and colour broke forth from the pallid cheeks of my poor convalescents. We now thought all further plunder at an end, but soon found we were mistaken: every man's hammock was again searched by the commissary and another French marauder, who had been prize-master of the schooner from which Mr. Butterfield escaped. They took from each their tobacco-pouches, knives, needles, and every article they could find, except barely the suit they had on, and their beds: the two former articles, in particular, are really a serious loss to a sailor. From my servant they took his bed and some spirits which he had managed to save from his scanty allowance. They were then proceeding to the quarter-deck; but the captain, tired of their depredations, declared we should not again be plundered. He said he was ashamed of the commissary's behaviour, saying, he used us worse than we should have been by a privateer or pirate. At last, towards the evening, we joyfully embarked, and got on board the cartel: our sensations on meeting together once more, are not to be described. Soon after the captain came on board, and we got under weigh, as did the French squadron. We could not help looking after

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the Favourite: and could not persuade ourselves we were clear of the enemy 'till they were out of sight.

During the time I was prisoner in my own ship, I could not help observing the amazing difference between her situation then and when manned by British sailors, in point of discipline and alacrity, as well as seamanship. They were very glad, when it blew a little fresher than ordinary, to get my boy to stand at the helm; so ignorant were they, in general, of naval tactics. Every thing of which they did not comprehend the use they threw overboard, without consulting their officer, to whom they shewed no respect. They dined on the quarter-deck, which is sacred to the officers in our service; and they spoke to their superiors as if they had been equals. Very few of them had any beds 'till they came on board; and they swarmed with vermin, which we of course could not help sharing with them. The gun-room was entirely deserted, as all the officers messed with the captain in the cabin. At the time we were taken, we had a great quantity of live stock (a very pleasing surprise for monsieur), and the greater part they divided among them. Such also was their voraciousness, that I was obliged to assist my new mess-mates to hide some, as well as wine, butter, cheese, &c. or they would have left us entirely without these necessary articles. I had, however, no fault to find with the captain, excepting not allowing wine for the sick. As to myself, I had his confidence; and sat down to a good table with him, while my shipmates in the other vessels were almost starving. The only trouble I had was to settle little disputes between them and the lady: she thought she had a right to take her own things; a little bread and butter, for instance, between her meals. They thought the contrary: and simple as this was, it occasioned continual discord; the commissary running with complaints against her, to the captain; she at the same time, being continually peevish and cross, from the various losses they had sustained.

(To be continued.)

Economical Mode of Feeding Horses and Cows.

Practised by J. C. Curwen, Esq. M. P. for Carlisle.

MR. CURWEN raises on his farm at Workington, in Cumberland, of only 500 acres, great crops of clover, (35 or 36 tons, in its green state, per acre,) and maintains 140 horses (employed in working his extensive collieries) on 40 acres of land, when by the general method 280 acres would be required: and besides these horses, (which are very healthy and in excellent working order,) Mr. Curwen maintains con-

stantly between 20 and 30 cows, in order to supply the inhabitants of Workington (consisting of 8000 persons) with milk, at 1d. per quart, wine measure.

Mr. Curwen feeds all his horses, by day, upon steamed potatoes, with cut straw and bruised oats mixed with them; and with uncut straw by night. To each horse he gives 2½ stones of steamed potatoes, a sixth part of cut straw, and 8lbs. of oats, and by night, 6lbs. of uncut straw, and no hay or food of any other sort whatsoever, except to his horses underground, which have hay instead of straw by night.

The use which Mr. Curwen makes of his chaff and coulder is this: he never gives it to his horses, but to his cows, with the waste of corn, and the broken straw in the barn from thrashing, which he boils, mixing with it oil-cake (ground.) Thus to every cow he gives two stones of boiled straw, chaff, and coulder, with 2lbs. of oil-cake per day; and 4lbs. of green food, as lucerne, clover, turnips, coleworts, or cabbages. The cows are fastened by the head to fixed wooden yokes in stalls, and stand so elevated, that their dung falls from them below their bed. Here they are kept day and night, and fed alternately with the boiled ingredients, and green food. Mr. C. weighs to every animal what it requires for its support.

Mr. Curwen mows his immense crops of clover, first, in the beginning of June, a second time in the middle of July, and again the first week of October; the three cuttings this year produced more than 26½ tons per acre: by this mode more produce is reaped per acre than by the common method pursued; besides which, by feeding in stalls, the quantity of milk is much increased, and the animals are generally in better plight. Mr. Curwen estimates the expence of feeding his cows per day at 5½d. He grinds the oil-cake, and boils it with the chaff, &c. and finds that three acres of green food is sufficient for thirty cows 200 days, giving to each two stones per day. Mr. Curwen sold last year 66,912 quarts of milk from 25 cows, for 557l. 12s.—the expence of feeding them was 329l. the profit, 228l. 12s. He sells his cows as they become old or unproductive, and all his calves, and buys young cows. By the common method of feeding, each cow requires ¾ of an acre of turnips from October to April, besides straw; 30 cows then require 22½ acres of land for less than 200 days; by Mr. Curwen's method nearly 20 acres of land are saved for stock of a different kind, or for other purposes.

N. B. The steamed potatoes are given to the horses, and the boiled to the cows, warm.

INSTRUCTIONS

INSTRUCTIONS *to* GRAND JURYMEN.

By a late Foreman of the Grand Jury for Middlesex.

1. A Grand jury is one of the most ancient and respectable tribunals known to the constitution of this kingdom, and its members are usually gentlemen of the highest consequence and best figure in the county. A knowledge of the duties and powers of a grand juryman is absolutely necessary to every gentleman in the kingdom, because his own property, his liberty, and his life, depend upon maintaining in its legal force this branch of trial by jury. Sir W. Blackstone, book iii. chap. 23.

2. Their foreman is to be chosen by themselves, and any attempt on the part of the court, or sheriff, to nominate him, or swear him in as such, should be resisted. In Middlesex, it is usual to choose a foreman in the grand jury room, after which, the members, with him at their head, present themselves in court to be sworn in.

3. The grand jury ought to be composed of twenty-three persons, but the business frequently proceeds although that number are not present, the foreman taking care that no bill is found unless supported by the votes of twelve of the jurymen. Blackstone, b. iv. chap. 23, sec. 2.

4. As it is the express object of a grand jury to decide whether there is any matter of accusation against the party accused, or whether he ought to be put on his defence, they are competent to decide finally and totally on all the parts of the charge, both as to fact and intention. Stat. 29 Eliz. 3. Cap 4. and 42. Eliz. 3. Cap 3. They stand in the situation of umpires between the accuser and the accused, and are thus able at all times to protect the weak against the strong. This uncontrouled and important power of a grand jury constitutes one of the chief glories of the constitution of England, and is a grand bulwark of the liberties of the people.

5. A grand jury ought to be thoroughly and completely satisfied of the truth of all the parts of an indictment before they find it, and ought never to be influenced by remote probabilities. It is a very serious and solemn matter for a person to be placed on his trial at the bar of a court of justice; and as the grand jury hear evidence only on the side of the prosecution, the whole case ought to be clearly and unquestionably made out by the prosecutor to justify them in finding a true bill.

6. To find a bill, twelve at least of the grand jury must agree that the evidence is complete and satisfactory. Cro. Eliz. 654. Hob. 248. 2 Inst. 387. 3 Inst. 30. When this is the case, the words, "A true bill," are to be endorsed on the back of the indictment;

indictment; but when twelve do not hold up their hands, the words, " not found" are to be endorsed by the foreman. It is usual to put the question in the affirmative, and if the shew of hands is less than twelve, the bill is instantly endorsed, " not found."

7. No person not of the grand jury, no barrister, attorney, clerk of the court, or other person, can be present during the deliberations and decisions of the grand jury; but it is sometimes usual for a deputation of the jury to consult the court on any point of law.

8. When two or more persons are included in the same bill, the names of each ought to be mentioned aloud in their turn, by the foreman, because some may be guilty, and others innocent.

9. In an indictment for stealing, if the crime is not proved against the thief, the accessary must be acquitted as matter of course, because, if there be no thief, there can be no receiver.

10. For the dispatch of business, and the convenience of witnesses, all bills against the same person ought to be the subject of uninterrupted decision; and for the same and other reasons, a list of the bills found and not found should, from time to time, or as often as reported to the court, be affixed on the outside of the door of the grand jury chamber, or in some other conspicuous place, and be signed by the foreman.

11. The state of the several prisons, the malversation of the jailors and turnkeys, the conduct of magistrates, all gross and scandalous abuses, acts of public oppression, and all public nuisances, within the county, are proper objects for the enquiry, examination, and presentment of a grand jury.

12. One of the grand jury ought to sit at the right hand of the foreman, and assist him in reading the indictments. Gentlemen who require to be absent, usually consult the foreman, and obtain his consent.

INTERESTING TRIAL.

COURT of COMMON PLEAS,

Monday, March 7, 1808.

MOOR *v.* BIRCH.

LANDLORD AND TENANT.

THIS was an action brought by a tenant against his immediate landlord, to recover damages which he had been obliged to pay, from the overflowing of the water of a sewer upon the premises of another.

Serjeant

Serjeant Shepherd stated the plaintiff's case. He was the tenant of Mr. Birch, who held by lease from a Mr. Panter, who had obtained leave from the commissioners of Dowgate Ward, to turn off part of the water of Dowgate shore to turn his mill. For this consent, which was obtained in 1776, Panter paid a rent of 20l. per annum. The quantity of water which was wanted, was to give a power equal to a four horse power. After the arch was completed for this purpose, and the flood-gates put down at Dowgate-dock, it was found that the flood-gates were so high that they raised the water above the level of the mouth of the sewer, which occasioned considerable annoyance to many of the neighbourhood, by driving back the water upon their premises. It was therefore ordered by the commissioners of sewers, that those flood-gates should be levelled twelve inches. There not being afterwards water sufficient to work the mill, the commissioners of sewers allowed the plaintiff to construct some new work, which, in their judgment, would remedy the defect without annoying the neighbours. A new trough was then inserted into the sewer, with different flood-gates to let off the water. This contrivance answered very well in ordinary times, but upon the occasion of an unusual flood, the water was forced by them into the private drain of one of the neighbours, and did some damage, the amount of which was recovered in an action against the present plaintiff. The plaintiff considered that he had a right not only to recover those damages, but the costs against the present defendant, who was bound to have the new works so constructed, as that the plaintiff's mill might work, and the neighbours not be annoyed.

A model of this trough, with its flood-gates, was produced in court, and a Mr. Saville, an eminent surveyor, considered these flood-gates, which were open, sufficient to carry off all the water which could enter it at ordinary times.

It was admitted, that one of the flood-gates was not open at the time that this mischief was done.

Mr. Serjeant Best considered, that the cause of the damage proceeded from the fault of the tenant, the present plaintiff, in not having this flood-gate open. It was true, that if it had been open, the water would not have been thrown back to his mill, and that the mill must, perhaps, have stopped grinding for two or three hours; but, nevertheless, he conceived it to be the absolute duty of the tenant, in this case, to let off the excess of the water, even although he should lose the profit of two or three hours grinding.

It appeared, that it was the dirt and rubbish which was collected at this flood-gate, that choaked up the free passage of the water, and forced it back into the private sewers, to the annoyance of the neighbours. He commented at length on the

evidence of Mr. Saville, who was merely a surveyor, and in that capacity could not be supposed to be a better judge than the jury, who had viewed the premises. The business of a surveyor was principally to measure and value lands, and was as different from that of an engineer, as that of a lawyer. If the plaintiff had thought proper to call any eminent engineer as a witness, the jury would then have been more qualified to judge whether, or not, the real cause of the damage was not the plaintiff's negligence, in not opening the flood-gate, which was shut at the time the damage took place.

Sir James Mansfield observed to the jury, that the new works appeared to be absolutely necessary, in order that the contract between the parties should be executed. The plaintiff had taken a mill, which was stated to have a force equal to a four-horse power. When, however, the commissioners of sewers, ordered the flood-gate at Dowgate-dock to be lowered, it ceased to have that power, and therefore being no longer the thing which it was covenanted to be, the plaintiff might have brought his action for the breach of covenant. These new works were then necessary to make it the thing which was agreed for, namely, a mill with a four-horse power. The defendant was then bound to have such works constructed as would give that power without annoyance to the neighbours, or subjecting the tenant to any actions of damages.

On the other side it was contended, that it was the negligence of the plaintiff in not opening one of the flood-gates, that occasioned the damage done. If the jury were of this opinion, they must find for the defendant.

The opinion of the surveyor who was examined, appeared to be, that there were sufficient apertures to carry off all the water which could enter the drain, independent of the flood-gate, and that its being opened would have made no difference. The jury having heard the observations made by counsel, and having themselves viewed the premises, would judge how far that opinion was well founded.

The jury, after a short conference, found their verdict for the defendant.

AN ANECDOTE.

THE father of the late Lord Thurlow was a clergyman, in Norfolk, whose church preferments barely enabled him to support a large family. "As to Ned," said he, one day (meaning his lordship), "I'll endeavour to send him to college, and he must fight his way through the world."

GERMAN BLUNDER.

AMONG the many mistakes into which foreigners have been betrayed when learning the English language, the following, which recently occurred, is not the least whimsical:

A young German wishing to acquire elegance, as well as correctness of phrase, and not liking the meanness of the term, "*put out the candle*," was informed by his instructor, that he might say, if he chose, "*extinguish the candle*." A few days afterwards, a dog annoyed the young foreigner very much, by howling in his room, on which, turning to his servant, he ordered him "*to extinguish dat dog*."

Persons who are imperfectly acquainted with a language are extremely liable to fall into such mistakes. The idioms of the different languages vary so much, that the inexperienced had need be very careful if they wish to avoid errors either in speaking or translating.

SHAKESPEARE's CHAIR.

MR. Burnett, in his View of the present State of Poland, relates the following anecdote of the Polish Princess Czartoryska:

"Her highness has amassed a considerable collection of curiosities, of various descriptions. Among these, the reader may judge of my pleasing surprize on discovering, in the middle of Poland, the chair of Shakespeare! It was one day sent for to the saloon. A pretty large chair presently made its appearance, and seemingly consisted of one entire piece of wood, the back being a plane, and somewhat ornamented at the sides; but what appeared to me the strangest circumstance of all was, that the whole was painted or stained of a faint and delicate green colour. Being left to wonder for a while at appearances, which I found myself utterly unable to explain from the little knowledge I possesed of the antiquities of the reigns of Elizabeth and James, some hand was placed on the back of the chair, a great *case* was uplifted, and behold, a little, plain, ordinary, and whitish wooden chair appeared, such as might haply be found in most of our cottages of the present day!

"This relic of our revered bard, the princess procured some years ago when she was in England, and paid for it a very considerable sum; it seems to me that I was told, as much as three hundred pounds! At the same time was exhibited, cased in the same manner, the chair of Rousseau, in no wise superior in elegance of workmanship."

Answer, by J. Horsey, of Castle Cary Academy, to J. R. S. R.'s Enigma, inserted January 18.

THE COAL, dear Sir, from yonder mines,
I bring in answer to your lines.

§‡§ A similar answer has been received from G. A. F. Arden, and S. D. of South Petherton; W. D. Champion, and J. Melhuish, of Bridgewater; J. A Dyer, of Taunton; a constant reader of Exeter; Hester Easter, Poole; R. Withiell, of Plymouth; a fifer of the South Devon militia; G. Spry, of Egg Buckland; J. Colley, of St. German's; and J. Thomas, of St. Agnes.

Answer, by W. D. Champion, of Bridgewater, to Adrianus's Rebus, inserted the 18th of January.

IN CHANCERY, as you confess,
The injur'd often find redress.

† Similar answers have been received from J. Trood, and J. Melhuish, of Bridgewater; H. Easter, of Poole; J. A. Dyer, of Taunton; G. Spry, of Egg Buckland; W. Woon, of Grampound; G. A. F. Arden, and S. D. of South Petherton; a fifer of the South Devon militia; J. Colley, of St. German's; Alphonso, of St. Austell; J. Woodcock, of North Curry; a constant reader, and W. Pike, of Exeter; R. Trewavas, junior, of Mousehole; W. Terdennick, of St. Budeaux; J. Vellenoweth, near Helston; J. Whitnell, of Street; J. Thomas, of St. Agnes; and R. Loosemore, of Tiverton.

Answer, by G. A. F. Arden, of South Petherton, to J. D.'s Rebus, inserted the 25th of January.

LANGPORT's the town, I do surmise,
Which you have hidden in disguise.

☞ We have received the like answer from J. Vellenoweth, near Helston; W. Terdinnick, of St. Budeaux; a fifer of the South Devon Militia; Marina, of Egg Buckland; H. Lucas, of Lyme Regis; S. D. of South Petherton; J. Whitnell, of Street; R. Loosemore, of Tiverton; and J. Trood, J. Melhuish, and W. D. Champion, of Bridgewater.

A REBUS, *by Adrianus.*

A Term commercial will my first produce;
My next in writing's of essential use;
My third the superstitious vulgar dread,
Oft seen with trembling limbs, and shaking head;
These known, two-thirds my second lastly name:
The parts express a place of recent fame.

A REBUS, *by J. Woodman, of North Curry.*

THE name of a noun which has only three cases;
A very good liquor that's us'd in most places;
Then find what the lads and the lasses admire;
A most cruel Titan it next doth require;
A beautiful fruit, which has a nice flavour;
The goddess of youths you must also discover;
The name of a very warm spice from afar;
Last a fam'd English admiral that fell in the war:
Then mark every line, the initials inspect,
A fruit brought from India you'll surely detect.

POETRY.

For the WEEKLY ENTERTAINER.

LINES WRITTEN *on the* HAVEN-BANKS *at* EXETER.

HAIL noble Iscia!* on thy banks I've stray'd,
And oft thy beauteous prospects seen display'd;
Paus'd to behold thy rapid swollen tide,
Or view thy waters smoothly onward glide,
Whose sparkling waves, enliven'd by the ray
Of cheering Sol, a thousand charms display;
Whilst commerce fair, her welcome sails expands,
To carry merchandize to foreign lands;
And bustling sailors, "Yeo! Yeo!" resound,
When hard at work to heave the windlass round.

Along the fruitful banks the meadows fine
Afford rich pasture for the peaceful kine:
Here, on some rising ground, I've stood to view
The place where first my vital breath I drew;
Sweet place! retir'd from noisy cares and strife,
Cares which contaminate a peaceful life!
Blest with content, I e'er could here remain,
Nor should have sought for happiness in vain!
Nor shall, fair Colleton! the willing muse,
In lowly thime, to sing her praise refuse;
Whose sumptuous pile magnificent appears,
And high in air its lofty summit rears.

On George's natal day the troops combine,
And form along the banks a martial line;
With loud huzzas repeated vollies fire,
To hail the birth of our beloved sire;
Whilst on the cliff at Colleton resound,
With warlike noise, the thund'ring cannons sound.

The skilful angler, on the grassy sides,
As the smooth current gently onward glides,
Pursues with watchful eye, the floating snare,
'Till the unwary fish rewards his care.
And thus in life it is:—mankind pursue
Some fancied happiness within their view,
Until the darling object in their power
Leaves them less happy than they were before.

When winter chill tyrannically reigns,
And binds all nature fast in icy chains,
On the canal, along the frozen bound,
In that cold season, much amusement's found
In skaiting: which the vig'rous youths pursue,
Creating warmth, and health renewing too.
But on a summer's day, when all's serene,
This spot affords a most delightful scene;
Here lovely gardens much amuse the fair,
And tea-houses, to which they oft repair;
Whilst far above lies Haldon's noted hill,
Where the fierce courser oft has tried his skill.

The

* Ancient name of the Exe.

The murmuring zephyrs on the water play,
And cooling breezes Phœbus' heat allay;
The fertile fields with golden grain are crown'd,
And nature breathes diffusive fragrance round.

Such charms, and more, sweet Iscia! are thine own,
Oh! that some skilful bard would make them known!
Had I an abler pen, I'd trace thy source,
Or follow on with thee thy winding course
To where thou'rt lost within the mighty sea:
Just like as time is in eternity!

Exeter, February, 1808. HENRY ELLIS.

For the WEEKLY ENTERTAINER.

DEATH *of the* CONGER.

SOL's piercing beams the snaky conger shocks,
Hides in the caverns of the coral rocks;
By hunger lur'd, beneath the shades of night,
The ruddy bream his greedy jaws invite;
With hasty spans they measure all his road,
And drag him headlong from his dark abode;
Pull'd from his cave to taste our native air,
Deep gaping pangs his dying tokens bear;
To ease the monster from those horrid pains,
With manly force they dart the sharpen'd grains,
Which quickly enter on the reptile's brains.
Those jaws which lock'd before, now gape profound,
His taper body stretch'd along the ground,
And life in streams comes gushing from the wound.

Mousehole, February 27. R. TREWAVAS.

ADDRESS *to* MEMORY.

SWEET memory! wafted by thy gentle gale,
Oft up the stream of time I turn my sail,
To view the fairy haunts of long-lost hours,
Blest with far greener shades, far fresher flowers.
Ages and climes remote to thee impart
What charms in genius, and refines in art;
Thee, in whose hand the keys of science dwell,
The pensive portress of her holy cell;
Whose constant vigils chase the chilling damp
Oblivion steals upon her vestal lamp.
The friends of reason, and the guides of youth,
Whose language breath'd the eloquence of truth;
Whose life, beyond preceptive wisdom, taught
The great in conduct, and the pure in thought;
These still exist, by thee to fame consign'd,
Still speak and act, the models of mankind.
From thee sweet hope her airy colouring draws;
And fancy's flights are subject to thy laws.
From thee that bosom-spring of rapture flows,
Which only virtue, tranquil virtue, knows.
When joy's bright sun has shed his evening ray,
And hope's delusive meteors cease to play;
When clouds on clouds the smiling prospects close,
Still thro' the gloom thy star serenely glows:
Like yon fair orb, she gilds the brow of night
With the mild magic of reflected light.